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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,704	12/02/2003	John C. Daynes	1023-126US02	4757

28863 7590 12/22/2004  
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EXAMINER

JASTRZAB, JEFFREY R

ART UNIT PAPER NUMBER

3762

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/725,704

Applicant(s)

DAYNES ET AL.

Examiner

Jeffrey R. Jastrzab

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-23 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al.

Applicants argue with respect to the amended claims that Arand et al. fail to teach an "actuator assembly". It is recognized that the details of the switch taught by Arand et al. are missing, likely because any number of design considerations are possible and not deemed to be necessary by the inventors. In any event, merely changing the design configuration of the Arand et al. switching arrangement, without any teaching of criticality or unexpected result for the change, would have amounted to an obvious design choice. One can infer that the switch type used in Arand et al. is a spring type switch that closes a contact when the door is opened, not unlike those used in closet doors or automobiles, for example. Merely adding a "bump" to make a raised positive contact location for the switch lacks patentable moment as it is a simple change in design (shape) that does not change the functionality of the switch. In both instances, the switch comes on (closes electrical contact) when the door opens and goes off (opens electrical contact) when the door closes. As such, the modified Arand et al. continues to apply to the claims as amended. As to Claim 5, the Examiner stands by the previous Examiner's comments applied in the prior office action. The argument regarding "media" fails to see the breadth of such a term and is therefore not deemed to be persuasive.

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Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al. in view of Fraser et al. as set forth in the prior office action. Applicant's arguments have been considered, however the previous Examiner's comments are reasonable, since merely changing button arrangements of the Arand et al. device again amount to an obvious choice in design. Fraser et al. is provided solely to teach that such a configuration is a known an accepted choice. As to the arguments of non-analogous art, Fraser et al. is used to teach a manual activation feature, not for defibrillation purposes. The reference is certainly analogous to the purported inventive concept, that is a switch configuration for user electronics and thus still deemed to be applicable.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al. in view of Jung for the reasons of record. Applicant argues that the Jung device latch hook "is removed from contact with the power switch" when the lid is opened. While this may be the case, the switching arrangement design remains the important feature disclosed by Jung. The actual resultant control would still appear to be met by Arand et al., Jung merely being provided to teach an alternative equivalent switch.

***Allowable Subject Matter***

Claims 10-23 are allowed. The arguments as to the rejections of these claims are persuasive.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

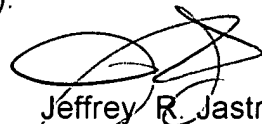
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Jastrzab whose telephone number is (571) 272\*4947. The examiner can normally be reached on Monday - Wednesday 5:30a.m. to 4:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey R. Jastrzab  
Primary Examiner  
Art Unit 3762  
12/21/03